



No Child Left Behind?

How the Federal No Child Left Behind Act Impacts Local Schools and Children



A REPORT FROM THE HEARING OF THE SELECT
COMMITTEE ON BRIDGING THE EDUCATION GAP

Assemblywoman Loni Hancock, Chair

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R-L: Terri Jackson, Camille Maben, Assemblymember Mark Ridley-Thomas, Assemblymember Loni Hancock, Janice Thompson, Richard Whitmore, Beverly Sadler

Introduction

Assemblymember Loni Hancock, Chair of the Assembly **Select Committee on Bridging the Achievement Gap**, called for a hearing on how the federal No Child Left Behind Act (NCLB) impacts California schools and children. On Saturday November 15, 2003, over 150 community members, educators and elected officials came together at Stanley Middle School in Lafayette to explore the topic.

The **No Child Left Behind Act** is the primary current piece of federal policy shaping education. It will define how tax dollars are spent and what skills are prioritized. For these reasons, it is important that everyone know as much as possible about NCLB. As Assemblymember Hancock explained in her opening remarks, *“In an environment where we know that we do not have enough money for education (California is presently 37th in the nation in spending per pupil), we have to spend every precious dollar on teaching and learning. NCLB says that every child, in every subgroup, will be proficient by 2014 in every subject. If there are parts of NCLB that help close the achievement gap, we need to embrace them and do more of them. Similarly, if there are parts of this Act that simply do not help us reach this goal, we need to fix them.”*

Assemblymember Mark Ridley-Thomas, a member of the Select Committee on Bridging the Achievement Gap, noted the long-term implications of the achievement gap. The Assemblymember came from Los Angeles for the hearing because, *“There is no issue more important than a quality, well-trained workforce. That requires not just intelligence and academic pursuit, but also the distribution of educational resources in an equitable manner.”*

This summary reviews the “No Child Left Behind?” hearing. First, it includes an **overview of the legislation**. The second section covers the **observations and experiences of local educators** who are working to implement NCLB. The panelists for this section were Ms. Terri Jackson, President of the United Teachers of Richmond, Berkeley Unified School District Superintendent Michele Lawrence, Ms. Janice Thompson, Principal of Verde School in West Contra Costa Unified School District, and Ms. Beverly Sadler, Curriculum Director of Acalanes Union High School District. The third section reviews the **recommendations for legislation** from panelists and audience members. This report concludes with **resources for further information**.

Overview of No Child Left Behind

Camille Maben, of the California Department of Education, has worked on coordinating the California No Child Left Behind state plan. These are her Power point presentation slides.

No Child Left Behind

- Signed into law January 8, 2002
- Act passed with overwhelming bipartisan support
- It was designed to improve student achievement and change the culture of American schools

Four Key Principles

- Stronger **accountability** for results
- Greater **flexibility and local control** for states, school districts, and schools in the use of federal funds
- **Enhanced parental choice** for parents of children from disadvantaged backgrounds
- **Focus on what works**, emphasizing teaching methods that have been demonstrated to be effective

The Big Three

- Adequate Yearly Progress (AYP)
- Program Improvement (PI)
- Highly Qualified Teacher (HQT)

Adequate Yearly Progress (AYP):

The Basics

- Based on English-language arts (ELA) and mathematics separately
- All students held to same high academic standards
- Goal is 100% proficiency by 2013-14

Components of AYP

- Achievement of the statewide Annual Measurable Objectives (AMOs) in both ELA and math
 - “Percent proficient or above”
- Achievement of a 95% participation rate on all applicable assessments
- Achievement on the additional indicators
 - API for all schools
 - Graduation rate for high schools

More on AYP

- Statewide goals and annual measurable objectives are applicable to ALL
 - Schools, including alternative and charter schools
 - Districts
 - Numerically significant student subgroups within schools and districts (ethnic, socioeconomically disadvantaged, English learners, students with disabilities)

Annual Measurable Objectives (AMOs)

- For Elementary and Middle Schools are based on:
 - The California Standards Tests (CSTs) in ELA and Math
 - The California Alternate Performance Assessment (CAPA)
- For High Schools are based on:
 - Results from the Grade 10 California High School Exit Exam (CAHSEE)
 - The California Alternate Performance Assessment (CAPA)

AMOs: English-language arts - Elementary and Middle Schools and Elementary Districts, Participation Rates

- 95% participation required on any assessment used for AYP under NCLB
- The remaining 5% is the maximum allowable percentage of non-participants, including students who are exempted from testing at parental request

The Additional Indicators

- The API will serve as an additional indicator for all grades
 - How would a school meet the “other” indicator?
 - API above the “status bar,” OR
 - Show growth of at least one point
- Graduation rate will be an additional indicator for high schools only
 - Demonstrate a one-tenth of a percent increase up to 100%

The API ‘Status Bar’ Graduation Rate

- California will use a graduation rate corresponding to the National Center for Educational Statistics (NCES) four year completion rate
- Progress = increase of one-tenth of one percent per year until the school reaches 100%

AYP for Title I Schools and Districts

- The new AYP definition applies to all Title I schools and districts that receive Title I funds
- Title I schools and districts must meet all four components of AYP
 - Percent of students proficient or above on statewide assessments
 - Student participation rate in the statewide assessments
 - API
 - Graduation rate (high schools)

In 2003-04, a Title I school will be identified for PI if for two consecutive years, the school

- Did not meet the annual measurable objectives (AMOs) in the same content area (English-language arts or math) in 2001-02 and 2002-03 or
- Did not meet any one of the other components of the AYP

A district receiving Title I funds will be identified for PI if, for two consecutive years, the district

- Did not meet the annual measurable objectives (AMOs) in the same content area for two consecutive years for any subgroup or districtwide, or
- Did not meet any one of the other components of AYP.

Appeal Process for PI Schools and Districts

- A district may appeal on its own behalf or for a school
- Appeal may be based on substantive or statistical error (to be defined)
- A 30-day period exists to file appeal and to receive final determination
- The appeal is one-time, for August, October, or December 2003 AYP report only

Key NCLB PI School Requirements and District Requirements – Timeline for Implementation After August 2003 AYP Report

- New PI schools must move immediately to implement school choice
- Advancing PI schools must move immediately to implement new requirements
- PI schools remaining at the same level must continue required activities

Timeline for implementation, after October 2003 AYP Report

- Schools that made AYP for August Report, but did not make AYP for October Report must immediately move to implement the requirements of NCLB

Timeline for Implementation, After December 2003 AYP Report

- Schools that made AYP for August and October reports, but did not make AYP for Final December Report, must immediately move to implement the requirements of NCLB

NCLB Teacher Quality Guide

- The Law
- June Conceptual Plan
- July proposed regulations
- Changes to regulations in September
- Regulations approved by SBE in November
- CDE Teacher quality guide

- Requirements for “Highly Qualified” in Sec. 9101(23) and Sec. 200.56 of Title I regulations
 - 4-year degree
 - fully certified or licensed by state
 - or participate in alternate route
 - Demonstrate subject matter competence in core academic subject taught
- Timeline in Section 1119
 - Hired after beginning of 02-03 school year to teach core academic subject in Title I Part A supported program – must meet definition immediately
 - All other teachers must meet requirements by end of 05-06 school year
- Core academic subjects defined in Section 9101(11)
 - English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography
- Two classifications
 - New to the profession
 - Not New to the profession
- Two categories
 - Elementary
 - Middle/High

Demonstration of Subject Matter Competence:

- New elementary teachers
 - pass rigorous state test
- New middle/high teachers
 - rigorous state test, OR
 - undergraduate major, OR
 - graduate degree, OR
 - coursework equal to undergrad major, OR
 - advanced certification of credentialing
- All teachers not new to the profession
 - Same options for new teachers in their category OR
 - High Objective Uniform State Standard of Evaluation
 - grade appropriate subject matter knowledge and teaching skills
 - aligned with academic content and achievement standards
 - provides objective coherent info about knowledge in core subject taught
 - applied uniformly to all teachers in same subject and grade
 - considers, but not based primarily on, years taught
 - may involve multiple, objective measures and made available to public
- Conceptual Plan introduced at June Board Meeting
- Rigorous state test requirement for elementary teachers
 - Subject matter exam approved by CTC
 - CSET, MSAT, etc.

- not yet available but CTC considering for future use - completion of coursework with validated statewide culminating exam
- Required data to report
 - % of core academic courses taught by NCLB compliant teachers in the aggregate and for schools in highest quartile of poverty
 - % of teachers receiving high quality professional development and % of teacher not yet compliant receiving HQPD
 - % of paraprofessionals qualified
 - Data will be collected through CBEDS eventually
 - Transition – Spring of 2004 ConApp
- Accountability for failure to make progress in meeting AMOs
 - Targets set for State in September 1 submission
 - LEA growth equal to one-third of the difference between 100% and LEA or school baseline percent indicator as of October 2002
 - Failure to make progress on teacher AMOs for two consecutive years results in improvement plan
 - Failure to make progress on teacher AMOs for three years and failure to make AYP for 3 years results in no additional paraprofessionals with Title I Part A funds

NCLB Update

2004 Federal Budget progress

- Forecast not optimistic
- Continuing resolution through November. 7
- 1.6% increase proposed for NCLB funding
- \$1 billion increase for IDEA
- Democratic appropriators claim Majority not feeling grassroots pressure to increase funding

“Where the Rubber Meets the Road”

Ms. Terri Jackson is the President of United Teachers of Richmond and has been a teacher for 19 years. Ms. Jackson shared local teachers’ perspectives on and experiences with NCLB.

Generally, many teachers are concerned that they have not been consulted about how to shape reforms and help direct their implementation. They are professionals who have been at the bottom of **top-down change**. When teachers question state and federal systems, they are often accused of being anti-reform or anti-accountability, but they are not. Currently, there is a lot of misinformation, which is usually accompanied by fear, about the federal NCLB and how it jives with the State system. Teachers are less familiar with how this law is going to change and intensify what happens in classrooms.

The two specific aspects within NCLB Ms. Jackson highlighted as concerns of teachers were the requirements for being considered highly qualified and the assessment system.

- With regards to having **highly qualified teachers**, Ms. Jackson said that teachers are always asking: “Why is it the teachers they always want to fix?” Teachers have been to school, earned higher degrees and continue to participate in trainings and workshops once they are teaching.
- The areas of **testing and assessment** are the largest aspect of NCLB that concerns teachers. The environment created by NCLB is so focused on making test scores go up that every other priority falls by the wayside. Teachers who are trying to teach through themes, to differentiate instruction for students who need extra help will be hard-pressed to do so. Despite the public message that no child will be left behind, educators are concerned that the emphasis on testing may not reflect higher learning. Instead, curricula will become more restricted and scripted. Teachers are likely to spend less time on math. They are already spending very little or no time on the arts.

Ms. Jackson closed with a quotation from jazz musician Wynton Marsalis (from an interview with *NEA Today*). Mr. Marsalis was answering the question of why he is passionate about teaching arts in the schools. *“What I know is that the other way isn’t working. This whole emphasis on testing and making kids compete with people scientifically is creating an elite corps of students who, granted can compete with anyone, but for most students that doesn’t work. You need another way to deal with the mythology, the soul of people, to teach them what it means to be an adult, what it means to be alive. That will improve our national life – NOT smarter students, but more informed, humane students.”* Ms. Jackson relayed that many teachers share Mr. Marsalis’ sentiment. They feel they are being asked to “go through the motions” and the joy of teaching is leaving. While school systems are attracting credentialed teachers, these teachers often leave because of all the requirements asked of them in the classroom.

A District Leader's Point of View

Michele Lawrence is the Superintendent for the Berkeley Unified School District.

According to Lawrence, the biggest flaw of our federal government in the implementation of NCLB is the lack of financial investment and a rigorous shifting of resources of billions of dollars into our public education systems. NCLB and many of the laws in California are adding requirements to schools and require them to shift resources from the most needy into restrictive mandates based on presumptions and are not based on educational practices or research. “The passion for **accountability** and **high standards** has evolved into a pathetic symbol and manic frenzy to meet noble and flawed legislation.”

Lawrence proposed a critical question: What value does this legislation add for children, the schools and the school systems?

The Superintendent explained that in Berkeley, 97% of teachers are fully qualified. However, due to **credentialing issues**, a bureaucratic system is being set up to keep track of something that is not a significant problem. Also, Lawrence suggested that it is critical for parents to continue to insist on multiple measures for assessment. A single measurement that is based on standards that is not embedded into classroom practicalities or data cannot continue being used. Information is needed to help teachers understand what individual children need and the measurements of how time and money ought to be spent.

Under NCLB, the requirements of schools that are underperforming include specific minute requirements that focus only on math and reading. This blatantly ignores the importance and the value of art, music, physical education, health, science, and social studies and their contributions toward achievement. These subjects are critical for underachieving kids. When these subjects are eliminated from education, children are being robbed of their “social capital.”

Underperforming schools move 20% of Title I dollars to after school programs that the State gives. With a little monitoring, those dollars can be controlled internally and locally. Decisions of what is best for our children should be locally decided as opposed to a scriptive outside agency doing so.

Finally, requiring children to be transported to other schools, without regard for whether those schools are overcrowded, has huge implications relative to facilities and other practicalities. Additionally, we should be concerned with the stigma of identifying schools who are out of target areas in specific areas, but that have been improving all along.

A Principal's Perspective

Janice Thompson is the Principal of Verde Elementary School in Richmond. Thompson cited two examples of how she helped turn this small “program improvement” school located in a low SES neighborhood with a student population consisting predominantly of minorities into a successful, improving school.

Thompson explained that Verde School began with a low API: 345. The school was full of non-credentialed teachers and maybe 3-4 credential or partially credentialed teachers. The school was out of control but there was a core of teachers that were there for a purpose.

Improving attendance was one area that Thompson focused on. Verde School had the lowest attendance rate in West Contra Costa County and was the 6,400th elementary school in the state. Working with the community, parents, and the West Contra Costa County School Board, Thompson was able to raise attendance from 83%-94% average attendance.

Thompson gave an example of her how her efforts to improve the school are undermined by the Federal NCLB policy. Three years ago, Verde School established a language lab with the help of bonds and the United Way. Because Verde was a “program improvement” school that receives assistance and supplemental services for an after school tutor program, they had to cancel this lab and start over in helping their students. Thompson stresses this example because, “It didn’t take a bill such as NCLB for us as educators to improve the environment of learning for our students. Our API improved from 345 to 360 the first year. 360 to 470 the second year and now we’re at 570.”

“You cannot walk into a classroom, only teach to a certain group and feel like you are successful. The State Department Of Education needs to support schools like ours so that our teachers won’t get laid off. Then we don’t have to worry about who’s going to be in our classrooms next year. We work hard to train our teachers, to motivate them, to get them to want to be with our children. And then you have the dynamics of the State cuts so that teachers are facing the possibility of lay-off while working with the students. That’s asking a lot of someone to go.”

The Impact of NCLB on Curricula

Beverly Sadler is the Associate Superintendent of Educational Services in the Acalanes Union High School district.

Sadler explained that there are two ways to approach NCLB. One is to use it as leverage to make sure all of our students enjoy success. The second is to allow it to divert our energies to the avoidance of consequences.

In terms of NCLB's impact on Acalanes, the numerical significance of NCLB is that Asian students typically outperform the white majority. The sub-populations on the district level include Asians, Hispanics, and Special Ed. There is one Title 1 school. Four high schools in 2003 had API's that ranked them 10th, 16th, 25th, and 47th in the State. Despite these numbers, there *is* an achievement gap in Acalanes. Not every child enjoys the success that the numbers suggest.

Sadler points out two problem areas with NCLB. The first, depending on the assessment measurement, a different percentage of students are left out. Sadler explained that the goal for Acalanes is to keep improving while being given limited resources. In terms of assessment, the AYP is a single point in time and is not trend data. The other issue is the participation rate. Higher performing students tend not to come on test days because they can receive parental waivers.

The first step for change is to create a sense of urgency. "If nothing else, NCLB has certainly done that for us."



R-L: Michele Lawrence, Terri Jackson, Camille Maben, Assemblymember Mark Ridley-Thomas, Assemblymember Loni Hancock, Janice Thompson, Richard Whitmore, Beverly Sadler

Legislative Recommendations from Panelists & Audience Members

After an overview of the No Child Left Behind Act and testimony from the panelists, dozens of people shared their frustrations, personal experiences, and suggestions dealing with the new federal legislation. Below is a summary of their comments, in addition to potential ideas for future legislation. Recommendations are grouped into the following categories: **testing, funding, teachers, vocational education, facilities, and flexibility & alignment.**

Testing. The new federal Act has done some good things for students in California, but there are other ways to assess kids, not just multiple-choice questions. Students are the most affected by standardized tests. There is a huge pressure to do well. Most tests, however, have a negative impact on students. More and more students are opting out. From a CalCARE Coordinator: “This notion of constantly ‘raising the bar’ is ridiculous—kids are not racehorses!”

Minimize the amount of time spent on testing. We should provide multiple measures for data and give alternative assessments. We must create a student data system at the statewide level to track all students. Provide better access to user-friendlier test data and reports that inform instruction at the classroom level.

Funding. NCLB is an under-funded mandate. It is straightjacketing the education system with its rigid requirements and failure to provide matching resources and funding. Because teachers and schools are constantly fundraising to try and make up for the inadequate funding they receive, this is taking away valuable teaching time from the classrooms.

Utilize all resources to fully fund schools. Sustain funding levels. Ensure resources are funneled to the classrooms. Allocate more funds to school districts; avoid teacher layoffs. Fund districts fully year-round. Increase resources for special education.

Teachers. With NCLB, teachers are forced to focus on students close to proficient, under-serving those far above or far below proficient. In addition, huge differences within the classroom make it difficult for teachers to reach everyone and serve all students’ needs. Teachers must jump through too many hoops. The definition of ‘highly qualified teacher’ is problematic. (Definition of HQT is already available on CDE’s website. From a Special Education Teacher: “What happens to teachers if they do not meet the definition? If we applied NCLB to the medical profession, it would translate: ‘By 2014, no patient will die.’”

Current tests required of teachers must be re-formatted. They should be based more on pedagogy. How do you motivate teachers to work in California? Increase the incentives to attract highly qualified teachers. Teacher credential programs must inform teachers of the standards. Under-funded AB 466 = gap. (Last year, this bill established the Mathematics and Reading Professional Development Program.) The Legislature should fund professional development.

Vocational Education. NCLB practically eliminated vocational education from the program. This is a huge problem. 75% of California's vocational education programs have closed in the last 15 years. The system is steering all students to college instead of a career, which is where everyone eventually needs to end up. The business community is outraged. From the SLHS Vocational Education Chair: "Sadly, sometimes the only other place children can take shop classes are... in prison." We are obligated to give children the right to be exposed to vocational education in public schools. Otherwise, all students will be left behind. They have a right to learn all things, not just reading and math.

Maintain the standards in the "Building for Tomorrow" Report. The Department of Education should adopt the recommendations in this report. We should require a one-year course for all students in California and increase vocational education funding by 50%. What about music and the arts?

Facilities. Many people are baffled by NCLB's school choice option. From the CASH Coalition Director: "The facilities implication of NCLB is over-crowding and de-population. How do we plan for this?" NCLB does not provide for costs of additional transportation that will result from students transferring to other schools, nor do schools have additional money to accommodate for these transfers.

We need more outreach to better inform everyone. We must clarify the school transfer option. Provide funding for these additional costs.

Flexibility & Alignment. We need flexibility more than anything. Control the number of reforms and focus our attention on the children. Last year, 75% of California high schools did not meet NCLB's 95% participation rate requirement. This is inexcusable.

Increase flexibility and allow make-ups. From Steve Rhodes, HSDA: Make it easier for students to take the CAHSEE, increasing the number of times a year the test is offered. So many schools have failed to meet AYP simply because not enough students took the test. The Department is concerned about confidentiality though. If a child is allowed to make up the exam, you run the risk of cheating, sharing test questions, etc. In addition, we must streamline and align state and federal programs. Each legislator should pledge to eliminate ten unnecessary sections in the Education Code.

In Conclusion

As chair of the Assembly Select Committee on Bridging the Achievement Gap, Assemblymember Loni Hancock is committed to working with her community and colleagues to ensure that indeed, no child is left behind. She looks forward to tackling these issues during the upcoming legislative session.

RESOURCES

Assemblymember Loni Hancock is the Chair of the Select Committee. She also sits on the Assembly Education and Budget Committees. Ms. Hancock represents the 14th Assembly District. Her website is: <http://democrats.assembly.ca.gov/members/a14>

The **California Department of Education** website includes a page on NCLB, the State's plans, programs and contacts. This site also links to federal resources. <http://www.cde.ca.gov/pr/nclb/>

The **U.S. Department of Education** sponsors the **Official No Child Left Behind website**. This site provides state data and statistics as well as important dates. www.nochildleftbehind.gov

The **U.S. Department of Education** website includes an executive summary of the Act. www.ed.gov/legislation/ESEA02/

Representative George Miller and the **Education and Workforce Committee** have published a report entitled, "Broken Promises." Rep. Miller is one of the principal authors of NCLB but is angry with President Bush for underfunding it. The report can be viewed at <http://edworkforce.house.gov/democrats/brokenpromises.pdf>

The **Applied Research Center** has published a report entitled, "Reporting on Race, Education and No Child Left Behind." While originally intended for journalists, this is a reader-friendly guide. www.arc.org

Rethinking Schools is a periodical that has covered NCLB for educators. "Making Lemonade from NCLB Lemons" is an interesting article by Monty Neil. It can be found at http://www.rethinkingschools.org/archive/18_01/nclu181.shtml

Bay Area School Reform Collaborative (BASRAC) is a non-profit organization that is committed to improving the academic performance of all Bay Area students and eliminating the predictability of achievement gaps between student groups. <http://basrc.org/>



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